

No. 1320-JLab-71/3944.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Municipal Committee, Kaithal, District Karnal.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 1 of 1971

between

THE WORKMEN AND THE MANAGEMENT OF M/S MUNICIPAL COMMITTEE, KAITHAL, DISTRICT KARNAL

Present :—

Neither party is present.

AWARD

The facts relevant for the disposal of this reference may briefly be stated as under :—

The Safai Mazdoor Union, Kaithal, raised certain demands regarding grant of Festival and other holidays, uniforms etc. which were not conceded by their employer, Municipal Committee, Kaithal. This gave rise to an industrial dispute. They served the management with a demand notice dated 26th September, 1969 where upon conciliation proceedings were initiated by the Conciliation Officer, Karnal, but without any success.

The Governor of Haryana, in exercise of the powers, conferred by clause (d) of Sub-Section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following disputes to this Tribunal, for adjudication,—*vide* Government Gazette notification No. ID/KL/104-A/38547, dated 19th November, 1970.

1. Whether the safai mazdoors are entitled for the grant of casual, Sick and Festival holiday. If so, with what details?
2. Whether the safai mazdoors are entitled to Broom and Basket allowance? If so, with what details and from what date?
3. Whether the safai mazdoors are entitled to any Uniform? If so, with what details?
4. Whether the work load with the whole-time/part-time safai mazdoors has increased? If so, what relief are they entitled to and from what date?
5. Whether the Committee should contribute amount equal to the fines realised from the workers to constitute a welfare fund? If so, in what manner this fund should be utilised for the welfare of the workers.

On receipt of the reference usual notices were given to the parties. The Administrator of the Municipal Committee Kaithal has intimated that an amicable settlement has been arrived at between the parties and there is now no industrial dispute left. This finds full support in the statement of Shri Bhagat Ram, General Secretary of Safai Mazdoor Union, Kaithal, who had served the demand notice on behalf of the workmen concerned. He has requested that in view of the amicable settlement arrived at between the Safai Mazdoor Union and the Municipal Committee, Kaithal, the case may be treated as closed.

In the circumstances, it is not necessary to go into the merits of the case as the reference has to stand rejected for want of any industrial dispute between the workmen and the management concerned as a result of the aforesaid settlement as stated by the representative of the parties and I order accordingly. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 29th January, 1971.

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No. 131, dated 1st February, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated 29th January, 1971

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1323-I-Lab-71/3946.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Rohtak Bhiwani Transport Company Group 'A' Rohtak.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 66 of 1970

between

THE WORKMEN AND THE MANAGEMENT OF M/S ROHTAK BHIWANI TRANSPORT
COMPANY, GROUP 'A', ROHTAK

Present :—

Nemo, for the workmen.

Shri Tarlochan Singh and Shri Jaswant Singh, for the management.

AWARD

The Governor of Haryana, in exercise of the powers conferred by clause (1) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947, referred the following dispute to this Tribunal for adjudication,—*vide* Government Notification No. ID/RK/3C-70/9534, dated 2nd April, 1970

Whether the workmen should be paid bonus for the years 1967-68 and 1968-69. If so, what should be the quantum of bonus and terms and conditions of its payment?

On receipt of the above reference usual notices were given to the parties. The claim statement on behalf of the workmen was filed on 9th June, 1970 alleging that Rohtak Bhiwani Transport Company Group 'A' Rohtak owned a fleet of eight buses and had earned huge profit during the year 1967-68 and 1968-69 and the company was in a very sound financial position with its wage bill of Rs. 3,000 P.M.

With the above averments in brief, the workmen demanded bonus at 20 percent of their total wages and Rs. 50 as costs of the case.

Notice of the reference issued to the management at the address given in the reference was received back as refused by Shri Ujagar Singh Sethi one of the proprietors as per the report of the postman. My learned predecessor there upon recorded the evidence of the workmen. They examined four witnesses in support of their above claim namely Shri Jiwan Singh Accountant of the said Transport Company W.W. 1, Shri Mehar Singh Ex-conductor W.W. 2, Shri Khem Raj Driver W.W. 3, Shri Randhir Singh Conductor W.W. 4. All these witnesses made oral depositions, that the Transport Company concerned had earned profits of Rs. 60,000 to Rs. 65,000 in the year 1967-68 and 1968-69 and its financial position was very sound.

After examining the above named four witness the representative of the workmen summoned Shri Ujagar Singh Sethi one of the proprietors of M/s Rohtak Bhiwani Transport Company Rohtak along with the relevant record. Shri Sethi made a categorical statement on 19th October, 1970 to the effect that Rohtak Bhiwani Transport Company group A was no longer in existence, the same having been split in three separate groups known as Giani Group, Sahni Group and Sethi Group with Sarvshri Giani Santokh Singh, Mehar Singh and Ujagar Singh Sethi as their proprietors respectively. He further stated that he was not possessed of the cash book and ledger pertaining to Rohtak Bhiwani Transport Company Group A and that he could produce the said books of Sethi Group of which he was the proprietor if desired.

In view of the above statement of Shri Ujagar Singh Sethi, my learned predecessor directed the representative of the workmen to summon the requisite record from the other proprietors but there was no compliance of this order dated the 26th October, 1970 and the case on behalf of the workmen was closed on 15th December, 1970.

After hearing the learned representative of the workmen and taking into consideration the above said categorical statement of Shri Ujagar Singh Sethi, I deemed it necessary for proper determination of the matter in dispute to call upon the proprietors of all the three groups to produce the relevant record. Sarvshri Tarlochan Singh and Jaswant Singh who represent the Sethi Group and the Sahni Group respectively have made their statements from which it is further clear that Rohtak Bhiwani Transport Company Group 'A' is not in existence since 31st January, 1964 having been split in three separate groups described above and the account books of the original group 'A' are not in their possession. They have further disclosed that Giani Santokh Singh has settled at his agricultural farm in District Ambala after closing the transport business at Rohtak.

The workmen concerned and their authorised representatives have not come forward to refute the above assertions made by Sarvshri Tarlochan Singh and Jaswant as also by Shri Ujagar Singh Sethi who had been summoned as a witness by them. The fact, therefore remains undisputed that Rohtak Bhiwani Transport Company Group 'A' in respect of which the present reference has been made at the instance of the workmen concerned is no longer in existence, having in fact ceased to exist long before the date of the present reference. In the circumstances the demand of the present workmen for bonus against M/s Rohtak Bhiwani Transport Company Group 'A' Rohtak is not maintainable.

On merits also the workmen have not brought any sufficient material on record, apart from their general and vague deposition of huge profit made by the said transport company, to support their claim for bonus at 20 per cent of the total wages. For a proper determination of the matter in issue the balance sheets, profit and loss account etc. of the management concerned have to be gone into which are not forthcoming for the reasons stated above.

In the circumstances I have no alternative but to reject the above claim of the workmen for want of proper description of the management concerned. They would not, however, be debarred from raising a fresh demand for bonus against the proper management concerned. I give my award in the case accordingly without making any order as to costs.

Dated the 29th January, 1971.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 134, dated 1st February, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 29th January, 1971.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 16th February, 1971

No. 1172-I-Lab-70/3773.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Bhupendra Cement Works, Ltd., Suraj Pur.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 89 of 1970.

Between

THE WORKMEN AND THE MANAGEMENT OF M/S BHUPENDRA CEMENT WORKS,
LTD; SURAJPUR.

Present :

Shri Hardial Singh, Bhupendra Cement Karamchari Union, for the workmen.

Shri B. N. Kak, for the management.

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AWARD

The workers of M/s Bhupendra Cement Works, Surajpur, raised certain demands regarding Heat Allowance, Over-time, House Rent, Personal Wages and for setting aside the suspension of Shri Hardyal Singh, T. No. 45 from 4th to 5th October, 1969 which were not conceded by the management. This gave rise to an Industrial Dispute.

The Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the above disputes for adjudication to this Tribunal,—*vide* order No. ID/UMB77B-69/11605, dated 21st April, 1970, the questions for determination being as given below:—

1. Whether Heat Allowance should be given to the workers working in Fluxo. If so ; with what details ?
2. Whether overtime should be given to the Drivers and Cleaners when ever they work overtime. If so ; with what details and from which date ?
3. Whether House Rent should not be charged more than Rs. 10/- and Rs. 7.50 for double rooms and single room quarters allotted to the existing employees ?
4. Whether personal wage/allowance should not be merged in basic wage on implementation of recommendations of 2nd Wage Board ?
5. Whether suspension of Shri Hardyal Singh T. No. 45 from 4th to 5th October, 1969 was justified and in order ? If not ; to what relief is he entitled ?

It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties, as per terms and conditions given in Exhibit M-1. Their statements have been recorded.

I have considered the terms and conditions of the above settlement made by the parties which appear to be fair and reasonable. I accordingly give my award as per terms and conditions of the settlement arrived at between the parties which are detailed below:—

Issues	Settlement
<ol style="list-style-type: none"> 1. Whether Heat Allowance should be given to the workers working in Fluxo ? If so ; with what details ? 2. Whether overtime should be given to the drivers and cleaners whenever they work overtime ? If so, with what details and from which date ? 3. Whether House Rent should not be charged more than Rs. 10/- and Rs. 7.50 for double rooms and single room quarters allotted to existing employees ? 4. Whether personal wage/Allowance should not be merged in basic wage on implementation of recommendations of 2nd Wage Board ? 5. Whether suspension of Shri Hardyal Singh T. No. 45 from 4th to 5th October, 1969 was justified and in order ? If not, to what relief is he entitled ? 	<ol style="list-style-type: none"> 1. The company agrees to pay Heat Allowance at the rate of 10 per cent of the basic wages to Machinery attendants working on Fluxo for the days they actually work on the Fluxo, with effect from 1st November, 1970. 2. The union agrees not to press the demand because the Company has already considered payment of Overtime wages to Drivers and Cleaners. 3. The union agrees not to press this demand. 4. The union agrees not to press this demand. 5. The Company agrees to revoke the order of suspension for 2 days on 4th and 5th October, 1969 issued to Shri Hardyal Singh, T. No. 45.

2. The Union agrees that this settlement will remain in force for a period of three years and that the Union will not raise any dispute covered by the subject matters of this Settlement.

In the circumstances there shall be no order as to costs.

O. P. SHARMA,

Dated 29th January, 1971.

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 119, dated 29th January, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947

O. P. SHARMA,

Dated 29th January, 1971.

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

The 17th February, 1971

No. 1409-1Lab-71/4368.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s D. G. L. (P) Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No 102 of 1970

between

THE WORKMEN AND THE MANAGEMENT OF M/S D. G. L. (P) LTD., FARIDABAD.

Present :

Sarvshri Alla Din, Jagat Ram, Tej Bhan, Mukhtiar Ahmad, Raj Pal, Jagdish, workmen concerned.

Sarvshri S. L. Gupta along with Shri Y. H. Dewan, Administrative Officer for the management.

AWARD

The workers of M/s D. G. L. (P) Ltd., Faridabad, raised certain demands regarding grant of bonus at 20 per cent of their earnings and abolition of contract system which were not conceded by the management. This gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes to this Tribunal for adjudication,—*vide* Government Gazette Notification No. ID/FD/271-A/23029, dated 20th July, 1970.

1. Whether workmen are entitled to the grant of Bonus for the year 1968-69. If so, with what details?
2. Whether the contract system in the factory should be abolished and the contractor workers be regularised? If so, with what details?

On receipt of the reference usual notices were given to the parties and they have filed their respective statements.

It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties. Their statements have been recorded.

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According to this settlement as per terms given in the agreement Ex. M-1, the workers concerned are entitled to the grant of bonus at 4 percent of their total earnings for the year 1968-69 and at 8 percent of their total earnings for the subsequent year 1969-70, it being mutually agreed that the total earnings would include only the wages paid to them but not the amounts paid by way of dearness allowance etc.

In view of aforesaid mutual settlement the workers have given up their demand for 20 percent bonus as well as for the abolition of contract system covered by the terms of reference with the result that there is now no industrial dispute left between the parties. I, therefore, give no dispute award in the case in terms of the above settlement arrived at between the parties by which they shall be bound. There shall be no order as to costs.

O. P. SHARMA,

Dated 2nd February, 1971

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 146, dated 2nd February, 1971

Forwarded (four copies to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated 2nd February, 1971.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

B. L. AHUJA,
Commissioner for Labour & Employment, and Secy.

**FINANCE DEPARTMENT
REGULATIONS**

The 30th December, 1970

No. 7178-2FR-70/1640.—In exercise of the powers conferred by clause (2) of Article 283 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana is pleased to make the following rules further to amend the Punjab Subsidiary Treasury Rules, Volume I. (As adopted by the Haryana Government) namely:—

1. These rules may be called the Punjab subsidiary Treasury Rules, Volume I (Haryana-Third amendment) Rules, 1970.
2. Insert the following as sub-rule (5) below rule 4.106 of subsidiary Treasury Rules, Volume I.

“(5). In a case where a pension claim submitted by a pensioner is supported by a life

certificate granted under the provisions of Rule 4.104, by a gazetted Officer whose specimen signature is on record with the Treasury Officer, or by a Government Officer exercising the powers of a Magistrate under the Criminal Procedure Code or by a Registrar or Sub-Registrar appointed under the Indian Registration Act, under their respective seals of office, personal appearance of the pensioner at the Treasury will not be insisted upon. The Treasury Officer, however, in all cases of doubt, will be competent to obtain proof of the existence of the pensioner independent of that furnished by the life certificate.”

G. V. GUPTA,
Secy.